

FILED

April 3, 2025

Clerk, U.S. Bankruptcy Court
Middle District of Pennsylvania
Wilkes-Barre

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FREEDOM MORTGAGE CORPORATION
Debt Buyer and or Debt Collector
Movant

MOTION TO SHOW AUTHORITY

vs.

Case Number: 5:25-BK-00501-MJC
Case Filed: February 27, 2025

Hericson Torres and Leigh Torres
Record Owner
Respondent

X

RESPONDENT'S MOTION TO SHOW AUTHORITY

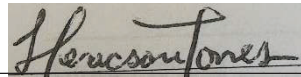
AND NOW, this 3rd day of April, 2025, here comes Respondent's, Hericson Torres and Leigh Torres, *in propria persona*, to file this Motion to Show Authority and, in support thereof, aver as follows:

1. Respondent's, Hericson Torres and Leigh Torres, hereby incorporate by reference Respondent's Answer/Response to Movant's Motion for Relief including all averments and exhibits, as though set forth herein at length.
2. Respondent's, Hericson Torres and Leigh Torres, hereby incorporate by reference Respondent's New Matter including all averments and exhibits, as though set forth herein at length.
3. Respondent's, Hericson Torres and Leigh Torres, believe the proceeding is being prosecuted without authority.
4. KML Law Group, P.C. has brought forth a Motion titled Motion of Freedom Mortgage Corporation for Relief from the Automatic Stay under Section 362.
5. KML Law Group, P.C. stated on the Notice of Motion that "FREEDOM MORTGAGE CORPORATION has filed a Motion for Relief from Stay, with the court for Relief from the Automatic Stay of Section 362."
6. The Motion and its contents were filed by Brent J. Lemon, Esq. of KML Law Group, P.C.
7. The Movant is allegedly Freedom Mortgage Corporation.
8. Freedom Mortgage Corporation is registered with the Pennsylvania Department of State as a Foreign Business Corporation with Registration # 1565217.

9. Freedom Mortgage Corporation is licensed as a Pennsylvania Mortgage Lender with License # 21171.
10. Freedom Mortgage Corporation is licensed as a Pennsylvania Mortgage Servicer with License # 66437.
11. The President, Owner and CEO of Freedom Mortgage Corporation is Stanley C. Middleman.
12. Stanley Craig Middleman is registered with the Nationwide Mortgage Licensing System under NMLS ID # 4015.
13. KML Law Group, P.C. is registered with the Pennsylvania Department of State as a Domestic Business Corporation with Registration #'s 6650282, 739387 and 4062383.
14. The Treasurer of KML Law Group, P.C. is Michael McKeever, Esq.
15. Brock & Scott PLLC is registered with the Pennsylvania Department of State as a Foreign Limited Liability Company with Registration # 6370505.
16. Respondent's respectfully request that this Court demand that KML Law Group, P.C. and Brock & Scott PLLC show that they are duly authorized to represent Freedom Mortgage Corporation.
17. Respondent's, Hericson Torres and Leigh Torres, respectfully request continuance until such and which time, opposing counsel does bring forth, said, and files, in and for the record, certified; documented, proof of such authority, **or** 14 days whichever is least, or in the alternative, deny Movant's Motion for Relief for having proceeded without authority to act or to proceed lacking standing.

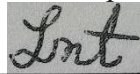
WHEREFORE, the Respondent's, Hericson Torres and Leigh Torres, *in propria persona*, respectfully request that this Court deny Movant's Motion for Relief and require that KML Law Group, P.C. and Brock & Scott PLLC produce verifiable proof of representation within 14 days . The Respondent's further request any other relief that the Court deems just and proper.

Date: April 3, 2025



Respondent, Hericson Torres, *in propria persona*
325 Five Springs Road, Stroudsburg, PA 18360

Date: April 3, 2025



Respondent, Leigh Torres, *in propria persona*
325 Five Springs Road, Stroudsburg, PA 18360

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FREEDOM MORTGAGE CORPORATION
Debt Buyer and or Debt Collector
Movant

**BRIEF IN SUPPORT OF
MOTION TO SHOW AUTHORITY**

vs.

Case Number: 5:25-BK-00501-MJC
Case Filed: February 27, 2025

Hericson Torres and Leigh Torres
Record Owner
Respondent

BRIEF IN SUPPORT OF RESPONDENT’S MOTION TO SHOW AUTHORITY

AND NOW, this 3rd day of April, 2025, here comes Respondent’s, Hericson Torres and Leigh Torres, *in propria persona*, to file this Brief in Support of Respondent’s Motion to Show Authority and, in support thereof, aver as follows:

I. INTRODUCTION

Respondent’s, Hericson Torres and Leigh Torres, submit this Brief in Support of Respondent’s Motion to Show Authority to challenge the standing of KML Law Group, P.C. and Brock & Scott PLLC to represent Freedom Mortgage Corporation in the above-captioned matter.

It is well-established that an attorney must possess clear and demonstrable authority to act on behalf of a party in legal proceedings. However, KML Law Group, P.C. and Brock & Scott PLLC have failed to provide any competent legal evidence—such as a retainer agreement, power of attorney, or sworn affidavit from alleged Movant—establishing their right to act in this matter. Accordingly, Respondent’s move this Court to compel KML Law Group, P.C. and Brock & Scott PLLC to produce verifiable proof of representation and to strike any filings made absent such proof.

II. LEGAL STANDARD

A. An Attorney Must Prove Authority When Challenged

Courts have repeatedly held that an attorney’s authority cannot be presumed and must be proven when questioned. If an opposing party challenges an attorney’s authority, the burden shifts to the attorney to provide competent evidence of their authorization to represent the purported client.

- Dunn v. H.K. Porter Co., Inc., 602 A.2d 1105, 1109 (Pa. Super. Ct. 1992)
→ "An attorney must have express authority from their client, and when that authority is questioned, the burden rests on the attorney to prove it."
- Schwarz v. United Engineers & Constructors, Inc., 421 A.2d 1108, 1110 (Pa. Super. Ct. 1980)
→ "A litigant has the right to challenge an opposing attorney's authority, and the court has discretion to require proof of representation."
- Doe v. A Corp., 709 F.2d 1043, 1048 (5th Cir. 1983)
→ "An attorney who lacks proper authorization cannot legally bind a party in court proceedings."

Thus, Respondent's demand for proof of authority is both legally justified and necessary to preserve due process and procedural integrity in this case.

B. Filings Made by an Unauthorized Attorney Are Defective and Must Be Stricken

An attorney acting without proper authority lacks standing to participate in legal proceedings, and any pleadings filed without verifiable authorization must be stricken from the record.

- Commonwealth v. Ford, 44 A.3d 1190, 1199 (Pa. Super. Ct. 2012)
→ "Documents filed by an attorney lacking proper authorization are null and void."
- Shapiro v. Malarkey, 278 Pa. 78, 122 A. 341 (1923)
→ "Any legal action taken without proper attorney authorization is ineffective and should be disregarded by the court."
- In re Teligent, Inc., 640 F.3d 53, 59 (2d Cir. 2011)
→ "An attorney must provide documentary evidence of their authority to act in a bankruptcy proceeding; otherwise, the court may reject their filings."

Failure to provide proof of attorney-client authority constitutes a procedural defect requiring court intervention. Respondent's respectfully request that this Court strike all filings submitted by KML Law Group, P.C. and Brock & Scott PLLC unless and until proper authority is demonstrated.

C. Bankruptcy Courts Require Strict Proof of Representation

Bankruptcy courts, in particular, have recognized the importance of strict compliance with rules regarding attorney representation. If an attorney cannot provide proper authorization, the court has the discretion to disqualify the attorney and reject their filings.

- In re Fidelity America Mortgage Co., 19 F.3d 226, 231 (3d Cir. 1994)
→ "Bankruptcy courts require strict compliance with rules governing attorney representation; failure to provide evidence of authority can result in disqualification."
- In re Education Resources Institute, Inc., 442 B.R. 20, 27 (Bankr. D. Mass. 2010)
→ "Where an attorney's standing is challenged, they must present a formal retention agreement or other proof of authorization, or risk being removed from the case."
- In re Wilhelm, 407 B.R. 392, 399 (Bankr. D. Idaho 2009)
→ "An attorney who files pleadings without authorization from the client may face sanctions and disqualification from further participation in the case."

Bankruptcy courts adhere to a higher standard due to the fiduciary and equitable considerations involved. Thus, the failure of KML Law Group, P.C. and Brock & Scott PLLC to provide documentation of authorization should warrant the same level of scrutiny and corrective action in this Court.

D. Fraudulent or Misrepresented Authority Violates Due Process

Courts have ruled that unauthorized legal representation is tantamount to fraud upon the court, which violates fundamental due process protections.

- Erikson v. Pawnee County Board of County Commissioners, 263 F.3d 1151, 1154 (10th Cir. 2001)
→ "An attorney acting without client authorization engages in misrepresentation and fraud upon the court."
- Commonwealth v. Lore, 487 A.2d 841, 847 (Pa. 1984)
→ "Unauthorized representation by an attorney constitutes fraud upon the court and renders any actions taken legally voidable."
- In re Gault, 623 A.2d 932, 934 (Pa. Super. Ct. 1993)
→ "A court must strike any filings made by an unauthorized attorney to protect the integrity of the judicial process."

Due process demands that Respondent's be afforded the right to challenge any party's legal standing before this Court. If KML Law Group, P.C. and Brock & Scott PLLC cannot establish lawful authority, they must **be barred from further participation in this case.**

III. ARGUMENT

1. Respondent's formally challenge the authority of KML Law Group, P.C. and Brock & Scott PLLC and assert the right to demand proof of representation.
2. KML Law Group, P.C. and Brock & Scott PLLC have failed to produce any documentary evidence—such as a retainer agreement, power of attorney, or sworn client affidavit—establishing their authority to act.
3. Federal and Pennsylvania case law confirm that an attorney must prove authority when challenged, and failure to do so warrants legal action.
4. Any filings made by an unauthorized attorney must be stricken from the record, as they are procedurally defective and lack legal standing.
5. Failure to prove attorney-client authorization constitutes fraud upon the court, undermining due process and warranting immediate judicial intervention.

Accordingly, Respondent's respectfully request that this Court order KML Law Group, P.C. and Brock & Scott PLLC to provide verifiable proof of authority within a specified time frame or, in the alternative, strike all filings made without proper authorization.

IV. CONCLUSION

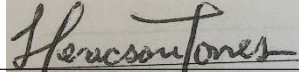
For the foregoing reasons, Respondent's request that this Court grant the Motion to Show Authority and issue an order requiring KML Law Group, P.C. and Brock & Scott PLLC to:

1. Produce verifiable proof of representation (e.g., a signed retainer agreement, power of attorney, or sworn affidavit from Freedom Mortgage Corporation) within 14 days; OR
2. Be disqualified from representing Freedom Mortgage Corporation in this matter due to lack of standing; AND
3. Strike all filings submitted by KML Law Group, P.C. and Brock & Scott PLLC unless and until lawful authority is demonstrated.

Respondent's reserve all rights and remedies under the U.S. Constitution and applicable legal authority.

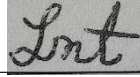
WHEREFORE, the Respondent's, Hericson Torres and Leigh Torres, *in propria persona*, respectfully request that this Court deny Movant's Motion for Relief and require that KML Law Group, P.C. and Brock & Scott PLLC produce verifiable proof of representation within 14 days . The Respondent's further request any other relief that the Court deems just and proper.

Date: April 3, 2025



Respondent, Hericson Torres, *in propria persona*
325 Five Springs Road, Stroudsburg, PA 18360

Date: April 3, 2025



Respondent, Leigh Torres, *in propria persona*
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FREEDOM MORTGAGE CORPORATION
Debt Buyer and or Debt Collector
Movant

ORDER

vs.

Case Number: 5:25-BK-00501-MJC
Case Filed: February 27, 2025

Hericson Torres and Leigh Torres
Record Owner
Respondent

X

ORDER

AND NOW, this ____ day of _____, 2025 upon consideration of Respondent's
Answer/Response to Movant's Motion for Relief, New Matter and Motion to Show Authority
thereto, it is hereby:

ORDERED AND DECREED: that Movant's Motion for Relief is DENIED.

ORDERED AND DECREED: that KML Law Group, P.C. and Brock & Scott PLLC are
to produce verifiable proof of representation within 14 days.

ORDERED AND DECREED: _____

_____.

BY THE COURT:

J.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FREEDOM MORTGAGE CORPORATION
Debt Buyer and or Debt Collector
Movant

VERIFICATION

vs.

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Hericson Torres and Leigh Torres
Record Owner
Respondent

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VERIFICATION

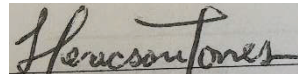
Respondent's, Hericson Torres and Leigh Torres, *in propria persona*, being duly sworn deposes and says; That he and she have read the foregoing documents and know the contents thereof; That the same is true to his and her knowledge, except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, he and she believe them to be true.

Respondent's hereby verify that the facts set forth in the foregoing documents are true and correct to the best of his and her knowledge, information and belief.

Respondent's understand that false statements made herein are subject to the penalties of 18 Pa C.S.A. § 4904, relating to unsworn falsification to authorities.

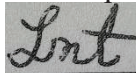
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FREEDOM MORTGAGE CORPORATION
Debt Buyer and or Debt Collector
Movant

CERTIFICATION OF SERVICE

vs.

Case Number: 5:25-BK-00501-MJC
Case Filed: February 27, 2025

Hericson Torres and Leigh Torres
Record Owner
Respondent

X

CERTIFICATION OF SERVICE

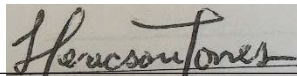
Respondent's, Hericson Torres and Leigh Torres, *in propria persona*, hereby certify that a true and correct copy of the documents in this filing were sent by e-mail to the following parties:

Distribution List

cc: Jill E. Durkin, Trustee at jilldurkinesq@gmail.com
cc: United States Trustee at ustpreion03.ha.ecf@usdoj.gov
cc: KML Law Group, P.C. at bkgroup@kmlawgroup.com
cc: Brock & Scott PLLC at matthew.fissel@brockandscott.com

WHEREFORE, the Respondent's, Hericson Torres and Leigh Torres, *in propria persona*, respectfully request that this Court deny Movant's Motion for Relief and require that KML Law Group, P.C. and Brock & Scott PLLC produce verifiable proof of representation within 14 days . The Respondent's further request any other relief that the Court deems just and proper.

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Respondent, Leigh Torres, *in propria persona*
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RESPONDENT'S CAN BE CONTACTED VIA EMAIL AT HERICSON888@GMAIL.COM
OR BY CALL, TEXT OR VOICEMAIL AT 347-566-4877.

Case # 5:25-BK-00501-MJC: Motion to Show Authority

From 888 <hericson888@gmail.com>

Date Thu 4/3/2025 3:32 PM

To jilldurkinesq@gmail.com <jilldurkinesq@gmail.com>; ustpreion03.ha.ecf@usdoj.gov <ustpreion03.ha.ecf@usdoj.gov>; bkgroup@kmlawgroup.com <bkgroup@kmlawgroup.com>; matthew.fissel@brockandscott.com <matthew.fissel@brockandscott.com>; hericson888@gmail.com <hericson888@gmail.com>

 1 attachment (150 KB)

Answer 1.3 Motion to Show Authority for KML and Brock 4-3-2025.pdf;

See attached Motion to Show Authority.

This Motion to Show Authority will be filed today.

If you have any questions, please respond to this e-mail or call 347-566-4877.

Thank you,

HERICSON

"Condemnation without investigation is the height of ignorance." — Albert Einstein